

Remarks

Claims 1-17 are currently pending and stand rejected. By way of the foregoing amendments, claims 1 and 12 are amended.

Rejection under 35 U.S.C. §102(b)

The Examiner has rejected claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,861,170 to Rodriguez. Applicant respectfully disagrees for the following reasons.

Claim 1 (in addition to claim 12), as currently amended, recites the element of a housing with an inside and an outside, the housing adapted to directly hold water and to transport water held therein. (See Applicant's claims 1 and 12.) Applicant's portable water heating system requires that the housing, that heats and holds the heated water, is portable, i.e not fixed to elements external thereto, such that it may store water for later use and transport that stored water when and to the where it desires to use it. (See Application at ¶¶[0009],[0043].) In contrast, Rodriguez is directed to a water heating attachment for cold water pipes that must be fixed to a pipe for support, and thus, inherently is not portable, not capable of storing water, and not capable of transporting stored water to a desired location. (See Rodriguez, col. 1, lines 71-72; col. 2, lines 2-3.) Rodriguez's heating attachment includes a tank capable of holding two-gallons of water while attached to supply pipe, which is non-portable, and can only be used to heat and dispense water when it is so fixed to a cold water pipe, for instance, the supply pipe of a shower. (See Rodriguez, col. 4, lines 26-30.) Rodriguez cannot transport water held within its tank. Thus, Rodriguez fails to disclose or suggest the element of the housing adapted to directly hold water and to transport water held therein, required by Applicant's independent claims 1 and 12 and their dependent claims 2-11, as amended herein. It is respectfully submitted that the Examiner's present rejection of claims 1 and 2 has been overcome.

With respect to Applicant's claim 2, which further recites the element of "an adjustable thermostatic control controlling the output of the heating element," Rodriguez likewise fails to disclose or suggest this element. Rodriguez includes a "thermostat" which acts a safety device by opening the circuit of the heating coil depending upon the temperature of the valve chamber rises to a predetermined point. (See Rodriguez at col. 3, lines 63-71.) Thus, Rodriguez's safety thermostat is not an *adjustable* control and it does not control the *output* of the heating element. Rodriguez's thermostat is merely a high temperature shut-off. Rodriguez lacks an adjustable control thermostat and in fact, instead achieves a desired water temperature by turning of the valve which controls how much of the cold water in the arm is mixed with the heated water that is rising up from the bottom of the tank, and mixing automatically with cold water in the arm. (See Rodriguez at col. 2, lines 47-50; col. 2, line 68 to col. 3, line 2; col. 4, lines 13-18.) The heated water achieves a temperature upon contact with the heated coil at the bottom of the tank. A thermostat does not control this temperature. Rather, temperature variation and control is achieved by the degree of mixing of two water streams, the heated water in the tank rising up and mixing and the cold water from the arm manually controlled by turning of a valve (not thermostatically controlled). Rodriguez addresses delivery of water at a fixed site and does not teach or suggest heating of water, storing of water, and delivery of water to any location to which the housing may be transported.

Applicant's invention may further include such a high temperature shutoff element, in addition to the adjustable thermostatic control, as described in the Application. (See Application ¶[0039].) The fact that Applicant's adjustable thermostatic control is an element of the invention with a function separate from its high temperature shut-off, further differentiates its adjustable thermostatic control "thermostat," from Rodriguez's high temperature shut-off "thermostat."

Hence, for at least these reasons, Rodriguez fails to teach or suggest all elements of all of Applicant's pending claim 2, as amended herein. It is respectfully submitted that the Examiner's rejection of claim 2 has been overcome.

Rejection under 35 U.S.C. §103(a) - Rodriguez in view of Alston

The Examiner has rejected claims 4-6 under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of U.S. Patent No. 4,947,025 to Alston et al. Applicant respectfully disagrees for the following reasons.

As previously discussed, Applicant's claim 1 recites the element of a housing with an inside and an outside, the housing adapted to directly hold water and to transport water held therein. Applicant's claims 4-6 which depend from claim 1, likewise require this element. As previously discussed, Rodriguez fails to disclose or suggest this claim element, and further, Alston cannot remedy this defect. The housing in Alston does not directly contact, hold, or store water, but rather encases the coiled conducting tube which extends throughout the housing itself holding the water to be heated. See Alston, col 2, lines 40-43. Rather, Alston teaches coiled water conducting tubing to hold and heat water contained within, as heating elements encircle the coiled water conducting tubing. See Alston col. 2, lines 40-49. Thus, Alston's housing acts to hold the coiled conducting tube and to confine the heat generated by electric resistance heating element about the conducting tube within its interior. See Alston col. 2, lines 62-65 (emphasis added). Alston's housing which contains coiled conducting tube contained does not teach or suggest Applicant's claim element of a housing adapted to directly hold water and to transport water held therein, an element of all pending claims as currently amended herein. (See Applicant's claims 1 and 12.)

The Examiner cites Alston for teaching wheels, handle, and mounting interface. However, there is no suggestion or teaching in either Rodriguez or Alston to incorporate these elements in Alston, that allow mobility and transportation of stored water, into a device such as Rodriguez which must be fixed in order to operate to heat and deliver water. Moreover, this incorporation would result in an inoperative device as Rodriguez can only deliver water when installed in a fixed location.

Hence, for at least these reasons Alston, alone or in combination with Rodriguez, does not render obvious any of the present claims. Applicant respectfully asserts that the Examiner's rejection has been overcome.

Rejection under 35 U.S.C. §103(a) - Rodriguez in view of Alston and Winter

The Examiner has rejected claims 3, 7, 8, and 12-17 under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of Alston et al, and in further view of U.S. Patent No. 6,628,894 to Winter. Applicant respectfully disagrees for the following reasons.

As previously discussed, Rodriguez in view of Alston fails to disclose or suggest at least Applicant's claim element of a housing adapted to directly hold water and to transport water held therein. Winter, likewise fails to disclose this element to remedy the defects in Rodriguez and Alston. Winter, like Alston, requires that its heating system, be fixed to a location in order to operate, i.e. "mounted on a wall (see Winter col. 1, lines 60-62), or "secured to the side of a water tank" lines or "tree-mounted." (See Winter col 2,, lines 47-55.) Thus, Winter likewise fails to disclose or suggest a housing adapted to directly hold water and to transport water held therein. Hence, for at least these reasons, Winter, alone and in combination with Rodriguez and Alston, does not render obvious any of the present claims. Applicant respectfully asserts that the Examiner's rejection has been overcome.

Rejection under 35 U.S.C. §103(a) - Rodriguez in view of Nelson

The Examiner has rejected claims 9-11 under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of U.S. Patent No. 4,974,551 to Nelson. Applicant respectfully disagrees for the following reasons.


As previously discussed, Rodriguez fails to disclose or suggest the claim element of a housing adapted to directly hold water and to transport water held therein. (See Applicant's claim 1.) Applicant's claims 9-11 which depend from claim 1, likewise require this element. Nelson likewise fails to disclose this element to remedy the defects in Rodriguez. Specifically, the Examiner cites Nelson for teaching double-walls in a water-heating system. (See Nelson, col 1, lines 12-17. Nelson is concerned with improving insulation and requires that its double-wall construction requires that the space between the tank and the shell be evacuated to achieve this.) Nelson is directed to a traditional residential or commercial gas or electric cylindrical water heater, thus is stationary for indoor use. (See Nelson Abstract.) The water tank in Nelson cannot transport water held therein, and there is no suggestion to incorporate its teachings into a portable system that allows for use in various locations, including outdoor locations as is required by the present invention. Hence, for at least these reasons, Nelson, alone and in combination with Rodriguez, does not render obvious any of the present claims. Applicant respectfully asserts that the Examiner's rejection has been overcome.

Conclusion

It is respectfully submitted that all of the claims in the application are in order for allowance, and early notice to that effect is respectfully requested.

Respectfully submitted,

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Wesley W. Whitmyer, Jr., Registration No. 33,558
Helen M. Limoncelli, Registration No. 51,950
Attorneys for Applicant
ST.ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
203 324-6155